IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5250 of 2005

Between:

1 K. Lakshmana Rao, S/o. Late Harihara Brahmam,
R/o. Plot No. 267, Pyhase - I, IDA, Jeedimetla, Hyderabad - 55.
2 K. Jagadeesh Babu, S/o. late Harihara Brlahmam,
R/o. Chataparru, Eluru Mandal, West Godavari Mandal.

..... PETITIONERS

AND

1 The Assistant Commissioner of Endowments, Vijayawada.
2 Andhra Jateeya Vidya Parishad, (National College) Rep by The Assistant Commissioner & Executive Officer, Rajupet, Machilipatnam, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of Mandamus or any other appropriate writ declaring the proceedings in RC. No. 6502/2004, dated 11-2-2005 of the 1st Respondent as illegal, arbitrary, without jurisdiction and contrary to the principles of natural justice and consequentially to set aside the same and to pass appropriate orders as this Hon'ble Court fit and proper in the circumstances of this case.

Counsel for the Petitioner: MR.K.ANANDA RAO

Counsel for the Respondent No. 1: G.P. for Endowments

Counsel for the Respondent No. 2: SMT.N.INDRANI

The Court at the stage of admission made the following :

***ORAL ORDER*:**

Heard both sides. Perused the material placed before me.

Petitioners, being aggrieved by the proceedings in RC No. A2/6502/2004 dated 11.2.2005**,** issued by the first respondent, wherein and whereby the petitioners were deemed as not landless poor, filed this writ petition.

It is not in dispute that the petitioners are the cultivating tenants to the temple.

The learned counsel for the petitioners contended that though the grand mother of the petitioners gifted the land in favour of the second respondent, the same is under the possession of the petitioners only by way of lease and in fact, the petitioners are the real owners. But it is an admitted fact that the petitioners have been paying rents for all these years. Therefore, it is to be held that the petitioners are tenants only.

But from the impugned order, it could be seen that an enquiry was slated to be conducted on different dates, as to whether the petitioners and similarly situate people are landless poor or not. In this connection, notices also appear to have been issued to the petitioners with a direction to produce documentary evidence, if any, in order to prove that they are landless poor. But on all occasions, the petitioners did not attend to the said enquiry on the ground that the notice was too short. However, the particulars of the said notices and receipt of the same by the petitioners are not clear.

For the aforementioned, without expressing any further opinion on the merits of

the case, the writ petition is allowed and the impugned order is set aside and further the first respondent is directed to conduct an enquiry afresh, after giving a reasonable opportunity to the petitioners and pass final orders in accordance with law, after taking into consideration the documentary evidence that may be pressed into service by the petitioners during enquiry. No costs.

16-03-2005

Note:

Operative portion of the

Order may be given on wire

at party's cost.

B/O

Kvsn

To

1 The Assistant Commissioner of Endowments, Vijayawada.

2 Andhra Jateeya Vidya Parishad, (National College) Rep by The Assistant Commissioner & Executive Officer, Rajupet, Machilipatnam, Krishna District.

3 Two CCs to G.P. for Endowments, High Court buildings, Hyderabad.

4 Two CDs.